LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 56 LCA 75.

Bangalore, dated 23rd August 1975.

Ordered that the Constitution (Thirty-ninth Amendment) Act, 1975, published in Part II Section I of the *Gazette of India* Extraordinary, dated 10th August 1975 be republished in the *Karnataka Gazette*, for general information.

By Order and in the name of the Governor of Karnataka,

B. NAGESHA RAO,

Under Secretary to Government.

19 *Dept. of Law and Parly. Affairs.*

Assented to on 10th August 1975 Act No. ..... of 1975.

THE CONSTITUTION (THIRTY-NINTH AMENDMENT) ACT, 1975.

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ACT

further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Constitution (Thirty-ninth Amendment) Act, 1975.

2. *Substitution of new article for article 71.*—For article 71 of the Constitution, the following article shall be substituted, namely :—

"71. *Matters relating to or connected with the election of a President or Vice-President.*—(1) Subject to the provisions

of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President, including the grounds on which such election may be questioned :

Provided that the election of a person as President or Vice-President shall not be called in question on the ground of the existence of any vacancy for whatever reason among the members of the electoral college electing him.

(2) All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by such authority or body and in such manner as may be provided for by or under any law referred to in clause (1).

(3) The validity of any such law as is referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court.

(4) If the election of a person as President or Vice-President is declared void under any such law as is referred to in clause (1), acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President, as the case may be, on or before the date of such declaration shall not be invalidated by reason of that declaration.".

3. *Amendment of article 329.*—In article 329 of the Constitution, for the words "Notwithstanding anything in this Constitution—", the words, figures and letter "Notwithstanding anything in this Constitution but subject to the provisions of article 329A—" shall be substituted.

4. *Insertion of new article 329A.*—In Part XV of the Constitution, after article 329, the following article shall be inserted, namely :—

"329A. (1) *Special provision as to elections to Parliament in the case of Prime Minister and Speaker.*—(1) Subject to

the provisions of Chapter II of Part V [except sub-clause (e) of clause (1) of article 102], no election—

(*a*) to either House of Parliament of a person who holds the office of Prime Minister at the time of such election or is appointed as Prime Minister after such election ;

(*b*) to the House of the Peolpe of a person who holds the office of Speaker of that House at the time of such election or who is chosen as the Speaker for that House after such election ;

shall be called in question, except before such authority [not bei g any such authority as is referred to in clause (b) of article 339] or body and in such manner as may be provided for by or under any law made by Parliament and any such law may provide for all other matters relating to doubts and disputes in relation to such election including the grounds on which such election may be questioned.

(2) The validity of any such law as is referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court.

(3) Where any person is appointed as Prime Minister or, as the case may be, chosen to the office of the Speaker of the House of the People, while an election petition referred to in clause (b) of article 329 in respect his election to either House of Parliament or, as the case may be, to the House of the People is pending, such election petition shall abate upon such person being appointed as Prime Minister or, as the case may be, being chosen to the office of the Speaker of the House of the People, but such election may be called in question under any such law as is referred to in clause (1).

(4) No law made by Parliament before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, in so far as it relates to election petitions and matters connected therewith, shall apply or shall be deemed ever to have applied to or in relation to the election of any such person as is referred to in clause (1) to

either House of Parliament and such election shall not be deemed to be void or ever to have become void on any ground on which such election could be declared to be void or has, before such commencement, been declared to be void under any such law and notwithstanding any order made by any court, before such commencement, declaring such election to be void, such election shall continue to be valid in all respects and any such order and any finding on which such order is based shall be and shall be deemed always to have been void and of no effect.

(5) Any appeal or cross appeal against any such order of any court as is referred to in clause (4) pending immediately before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, before the Supreme Court shall be disposed of in conformity with the provisions of clause (4).

(6) The provisions of this article shall have effect notwithstanding anything contained in this Constitution".

5. **Amendment of the ninth Schedule** :—In the ninth Schedule to the Constitution, after entry 86 and before the *explanation* the following entries shall be inserted, namely :—

"87. The Representation of the People Act, 1951 (Central Act 43 of 1951), the Representation of the People (Amendment) Act, 1974 (Central Act 58 of 1974) and the Election Laws (Amendment) Act, 1975 (Central Act 40 of 1975).

88. The Industries (Development and Regulation) Act, 1951 (Central Act 65 of 1951).

89. The Requisitioning and Acquisition of Immovable Property Act, 1952 (Central Act 30 of 1952).

90. The Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957).

91. The Monopolies and Restrictive Trade Practices Act, 1969 (Central Act 54 of 1969).

92. The Maintenance of Internal Security Act, 1971 (Central Act 26 of 1971).

93. The Coking Coal Mines (Emergency Provisions) Act, 1971 Central Act 64 of 1971).

94. The Coking Coal Mines (Nationalisation) Act, 1972 (Central Act 36 of 1972).

95. The General Insurance Business (Nationalisation) Act, 1972 (Central Act 57 of 1972).

96. The Indian Copper Corporation (Acquisition of Undertaking) Act, 1972 (Central Act 58 of 1972).

97 The Sick Textile Undertakings (Taking Over of Management) Act, 1972 (Central Act 72 of 1972).

98. The Coal Mines (Taking Over of Management) Act, 1973 (Central Act 15 of 1973).

99 The Coal Mines (Nationalisation) Act, 1973 (Central Act 26 of 1673).

100. The Foreign Exchange Regulation Act, 1973 (Central Act 46 of 1973).

101. The Alcock Ashdown Company Limited (Acquisition of Undertakings Act, 1973 (Central Act 56 of 1973).

102. The Coal Mines (Conservation and Development) Act, 1974 (Central Act 28 of 1974).

103. The Additional Emoluments (Compulsory Deposit) Act, 1974 (Central Act 37 of 1974).

104. The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974).

105. The Silk Textile Undertakings Nationalisation) Act, 1974 (Central Act 57 of 1974).

106. The Maharashtra Agricultural Lands Ceiling on Holdings) (Amendment) Act, 1964 (Maharashtra Act XVI of 1965).

107. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1965 (Maharashtra Act XXXII of 1965.)

108. The Maharashtra Agricultural Land (Ceiling on Holding) (Amendment) Act, 1968 (Maharashtra Act XVI of 1968).

109. The Maharashtra Agricultural Lands Ceiling on Holdings) (Second Amendment) Act, 1968 (Maharashtra Act XXXIII of 1968).

110 The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1969 (Maharashtra Act XXXVII of 1969).

111. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Second Amendment) Act, 1969 (Maharashtra Act XXXVIII of 1969).

112. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1970 (Maharashtra Act XXVII of 1970).

113. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act 1972 (Maharashtra Act XIII of 1972).

114. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1973 (Maharashtra Act L of 1973).

115. The Orissa Land Reforms (Amendment) Act, 1965 (Orissa Act 13 of 1965).

116. The Orissa Land Reforms (Amendment) Act, 1966 (Orissa Act 8 of 1967).

117. The Orissa Land Reforms (Amendment) Act, 1967 (Orissa Act 13 of of 1967).

118. The Orissa Land Reforms (Amendment) Act, 1969 (Orissa Act 13 of 1969).

119. The Orissa Land Reforms (Amendment) Act, 1970 (Orissa Act 18 of 1970).

120. The Uttar Pradesh Imposition of Ceiling on Holdings (Amendment) Act, 1972 (Uttar Pradesh Act 18 of 1973).

121. The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1974 (Uttar Pradesh Act 2 of 1975).

122. The Tripura Land Revenue and Land Reforms (Third Amendment) Act, 1975 (Tripura Act 3 of 1975).

123. The Dadra and Nagar Haveli Land Reforms Regulation, 1971 (3 of 1971).

124. The Dadra and Nagar Haveli Land Reforms (Amendment) Regulation, 1973 (5 of 1973)"